

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE LOWER MANHATTAN DISASTER  
SITE LITIGATION

21 MC 102

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SERGIO BARRAGAN,

Docket No.: 07CV1469

Plaintiff,

-against-

**DEFENDANT JOSEPH  
MARTUSCELLO'S ANSWER  
TO AMENDED COMPLAINT  
BY ADOPTION**

ALAN KASMAN DBA KASCO, ANN TAYLOR  
STORES CORPORATION, BATTERY PARK  
CITY AUTHORITY, BLACKMON-MOORING-  
STEAMATIC CATASTROPHE, INC. D/B/A  
BMS CAT, BROOKFIELD FINANCIAL  
PROPERTIES, INC., BROOKFIELD FINANCIAL  
PROPERTIES, LP, BROOKFIELD PARTNERS, LP,  
BROOKFIELD PROPERTIES CORPORATION,  
BROOKFIELD PROPERTIES HOLDINGS INC.,  
CAPITAL PROPERTIES INC., CITY OF NEW YORK,  
COOPER SQUARE REALTY INC., EMPIRE STATE  
PROPERTIES, INC., ENVIROTECH CLEAN AIR, INC.,  
GOTHAM ESTATE LLC, GPS ENVIRONMENTAL  
CONSULTANTS INC., HILLMAN ENVIRONMENTAL  
GROUP LLC, INDOOR ENVIRONMENTAL TECHNOLOGY,  
INC., JOSEPH MARTUSCELLO, KASCO RESTORATION  
SERVICES CO., LEFRAK ORGANIZATION INC., MERRILL  
LYNCH & CO., INC., NOMURA HOLDING AMERICA,  
INC., NOMURA SECURITIES INTERNATIONAL,  
INC., SAKELE BROTHERS, LLC, SENEX GREENWICH  
REALTY ASSOCIATES, LLC, STRUCTURE TONE  
(UK) INC., STRUCTURE TONE GLOBAL SERVICES  
INC., TOSCORP INC., TRINITY CENTRE LLC,  
W ASSOCIATES LLC, WESTON SOLUTIONS, INC.,  
WFP TOWER B. CO., G.P. CORP., WFP TOWER

B HOLDING CO. LP., and WFP TOWER B  
CO LP, et. al.,

Defendants.

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PLEASE TAKE NOTICE that defendant, Joseph Martuscello ("Martuscello"), as and for his response to the allegations set forth in the Amended Complaint by Adoption ("Check-off Complaint") related to the Master Complaint adding new defendants not previously served, filed in the above-referenced action, hereby adopts Martuscello's Answer to the Master Complaint dated January 4, 2008, which was filed in the matter of *In re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH).

WHEREFORE, the defendant Martuscello demands judgment dismissing the above-captioned action as against each of them, together with costs and disbursements.

Dated: Lake Success, New York  
January 7, 2008

Yours, etc.

FRIEDMAN, HARFENIST, LANGER & KRAUT  
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BY:   
Heather L. Smar (4622)